

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 8, 1997

DIVISION TWO

B104306 People (Not for Publication)
v.
Yen M. Chiu et al.

The Court:

The judgments are affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B094666 Charles P. Reilly (Not for Publication)
v.
American Medical International, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Zebrowski, J.

B109410 Universal Bank (Not for Publication)
v.
Lawyers Title Insurance Company et al.

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
Zebrowski, J.

December 8, 1997-Continued

DIVISION TWO (Continued)

B110092 People (Certified for Publication)

V.

Byron Goodwin

The judgment is affirmed, and the trial court is directed to amend the abstract of judgment to reflect the imposition of the \$2,000 restitution fine.

Boren, P.J.

We concur: Nott, J.

Zebrowski, J.

B104511 Richard Lowe (Certified for Publication)

V.

City of Commerce

California Commerce Club, Inc., Intervenor

Filed order certifying opinion for publication. (No change in judgment.)

DIVISION FOUR

B109287 The People & City of La Puente (Not for Publication)

V.

Walker

Judgment is affirmed; costs on appeal are awarded to respondents.

Hastings, J.

I concur: Baron, J.

I dissent: Vogel (C.S.), P.J. (Opinion)

DIVISION FIVE

B109985 People (Certified for Partial Publication)
v.
Holly Faye Wilson

The judgment is affirmed. Upon issuance of remittitur, defendant's sentence conduct credits are to be increased from 14 to 16 actual days. She is to receive eight days of conduct credits.

Turner, P.J.

We concur: Grignon, J.
Jackson, J. (Assigned)

B105217 Hope & Flower B.P. Partnership (Not for Publication)
v.
Katsuo Yoshimoto

The judgment is reversed as to appellant only, and judgment is entered in his favor, and affirmed as to all other parties. The action is remanded for determination of appellant's attorneys' fees and costs below. Appellant to recover his costs on appeal.

Godoy Perez, J.

I concur: Grignon, J.
I dissent: Turner, P.J. (Opinion)

B107944 People (Not for Publication)
v.
Gabriel Enriguez

The judgment is modified to reflect that defendant's sentence for the misdemeanor offense of possession of drug paraphernalia is reduced to 365 days. As modified, the judgment is affirmed. The clerk of the superior court is to prepare an amended abstract of judgment and forward it to the Department of Corrections.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B091736 Anthony Friscia (Not for Publication)
v.
Filmaccord Corporation et al.
Credit Lyonnais Bank Nederland N.V.

The judgment determining the third party claim is valid is affirmed. The purported appeal from the order sustaining the demurrer without leave to amend is dismissed. Credit Lyonnais Bank Nederland N.V. shall recover its costs on appeal from plaintiff, Anthony Friscia.

Turner, P.J.

We concur: Grignon, J.
Jackson, J. (Assigned)

B099303 Kinsey Lee Jackson, Sr. (Not for Publication)
v.
Golden State Foods Corp., et al.

The judgment is affirmed. Defendants, Golden State Foods Corp. and Scott Thomas, shall recover their costs incurred on appeal from plaintiff, Kinsey Lee Jackson, Sr.

Turner, P.J.

We concur: Grignon, J.
Jackson, J. (Assigned)

B113848 Lawrence A. Truitt (Certified for Publication)
v.
Superior Court, Los Angeles County
(The Atchison, Topeka & Santa Fe Railway Company, r.p.i.)

A peremptory writ of mandate is issued, directing respondent court to vacate its order of July 16, 1997, and enter a new and different order denying the motion to quash and for sanctions in its entirety. Costs of this proceeding are awarded to Truitt.

Grignon, Acting P.J.

We concur: Armstrong, J.
Godoy Perez, J.

December 8, 1997-Continued

DIVISION FIVE (Continued)

B106512 Roy M. Pugh et al. (Not for Publication)

V.
County of Los Angeles et al.

The judgment is affirmed. Respondents are to recover their costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Jackson, J. (Assigned)

B099490 Paragon Podiatry Laboratories
v.
Fulwider, Patton, Lee and Utecht and Vernon Schooley

Filed order denying petition for rehearing.

B101668 People
v.
David Leaks

Filed order denying petition for rehearing.

DIVISION SEVEN

B110778 People (Not for Publication)

V.
Prudeaux

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

December 8, 1997-Continued

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B112995 People (Not for Publication)
v.
Luevano

The order revoking probation is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The judgment is modified to award appellant 345 days of aggregate precommitment credit, consisting of 231 days of custody credit and 114 days of conduct credit. In all other respects, the judgment is affirmed. The superior court is to cause an amended abstract of judgment to be prepared and sent to the Department of Corrections reflecting this change in judgment.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B109418 Agnew (Not for Publication)

v.

California State Board of Equalization

The judgment is reversed. On remand the trial court is directed to vacate the order sustaining the demurrer and to enter a new order overruling the demurrer and affording the Board time to file an answer to the complaint. Agnew is awarded his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.

Neal, J.

B105239 Silver (Not for Publication)

v.

Flegenheimer

The judgment is affirmed. Respondents to recover their costs on appeal.

Johnson, J.

We concur: Lillie, P.J.

Neal, J.